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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF NINA FRICK IN
SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Nina Frick, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I attended a Black Lives Matter protest near the Penumbra Kelly building in Northeast Portland on August 15, 2020.
3. I had been to some other protests in the weeks before that evening, and that night there was a fun, street-party atmosphere. It wasn't particularly loud, and there were no fires or anything like that. It seemed like the mood was light-hearted, and all the protesters were being very cautious and respectful of the neighborhood, staying off of residential lawns and yards.
4. At one point, some people who we believed to be associated with the Proud Boys hate group approached us and attempted to antagonize people who were demonstrating as part of the movement for Black Lives, but the protesters just confronted them with flashlights and squeaky toys, and they left the immediate vicinity shortly after. Their presence in the neighborhood, and their reputation for bigoted violence introduced a mood of menace which grew more distinct with the events that followed.

5. I didn't really have anything with me except a Breonna Taylor sign, which I kept in my small backpack and then took out to display at the protest.
6. There were a ton of police officers behind the gates at the Penumbra Kelly building. They had not yet opened the gates.
7. I was standing at the front, near the gate, displaying my Breonna Taylor sign and making some eye contact with the officers who were lined up there.
8. The police suddenly made an "unlawful assembly" announcement pretty early in the evening; maybe around 9:30 or 10:00PM. I only recall hearing them announce it once. This was followed almost instantly by an intense and chaotic deployment of force by the police.
9. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like the ones PPB wear.
10. In the seconds after I heard the "unlawful assembly" announcement, I recall turning around and walking just a little further from the gate to give myself a little space in anticipation of police use of force. I believe I heard explosions, possibly flash bangs, in the chaotic noise which followed the announcement.
11. In the seconds after I heard the "unlawful assembly" announcement, I was trying to calm people to prevent them from panicking, running, or accidentally hurting themselves or one another in the moments while police escalated a sense of chaos. I used a "slow down" hand gesture, and said "walk, don't run" to other protesters as the police line began to move. In retrospect, I have the feeling that this, as well as the eye contact I had made with them while holding my Breonna Taylor sign, may have made PPB officers angry toward me and caused them to target me.
12. Almost immediately after the "unlawful assembly" announcement, police officers bull rushed the protesters, and I was hit from behind. The people I was looking at just then seemed to

see the officer charging at me, as I remember their facial expressions all suddenly and simultaneously changing while they looked in my direction just before the moment of impact.

13. I remember my head violently flying back from the inertia of my back being hit either by someone running at me full speed, or shoving me with all of their body weight. I feel that I could have easily gotten whiplash from this impact. I am a small person, and it was much more force than what would have been required simply to move me. It felt personal. Someone only hits you like that if they're really angry and trying to hurt you. If someone had hit me like that on the street in everyday life, I would not hesitate to use the word "assault" to describe it.

14. When I was struck, my Breonna Taylor sign went flying. My backpack came off, which I found surprising, because it was a very small and tight-fitting backpack. My personal belongings were scattered all around. I think I flew forward four or five feet, it was pretty far. I was thrown to the ground and lost consciousness. I am not certain how long I was unconscious, but it seemed like I woke up fairly quickly.

15. When I regained consciousness I was on the grass nearby, where some protesters had moved me in trying to prevent any further injury to me. I needed help getting up, and other protesters helped me. It took me a moment to get my bearings.

16. PPB officers were everywhere around us, going from person to person and pushing and striking them, not from a distance; just going after individual people. It felt like a grudge, very personal. It felt like they were "pissed off" and trying to show their force.

17. At that point it was chaos everywhere. Protesters had scattered. It felt like the police kept escalating the intensity of their use of force, and that they were going to keep hurting people more and more severely. I felt much less safe that night than I typically did on other dates I had attended protests. I think this feeling was due to a combination of the intensely personal-feeling uses of force by PPB and the nearby presence of antagonistic counter-protesters believed to be

associated with the Proud Boys hate group. It felt difficult to tell who you might encounter around any corner, or what they might try to do to you.

18. I had felt so angry when I regained consciousness. I wanted to continue protesting that night, but felt, due to the painful and disorienting impact I had sustained and the general chaos created by PPB's use of force, that I could not.

19. I went to my vehicle. I am a healthcare professional, and I had parked my car at the nearby hospital where I work. I remember yelling at the police from my car as I recovered and subsequently departed.

20. After I experienced that use of force from PPB, I had to stop going to protests and switch primarily to online activism. I had no plan to stop protesting before that, and I am sad and frustrated about it. It feels fraught for me to have the privilege to say "I can't do it anymore", but I am in my late forties and I have multiple serious chronic health issues which make that kind of use of force excessively dangerous to me. I am still really angry about it, but I have done my best to be creative and find ways to help out and stay involved in the Black Lives Matter movement.

21. I sustained a visible injury from being assaulted by PPB.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 7, 2022.

nina frick

nina frick (Jan 8, 2022 16:37 PST)

NINA FRICK



Nina Frick Decl. for Don't Shoot

Final Audit Report

2022-01-09

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